

REMARKS

In the July 2, 2004 Office Action, claims 1, 2, 6, 7, 10-13, 22 and 23 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the July 2, 2004 Office Action, Applicant has amended independent claims 1, 22 and 23 as indicated above. Moreover, Applicant has amended claims 2, 6, 7, 10 and 13 to place these claims in independent form. Furthermore, Applicant has added new claims 24-42. Thus, claims 1-42 are pending, with claims 1, 2, 6, 7, 10, 13, 22, 23 and 42 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Interview Summary

On September 23, 2003, the undersigned conducted an interview with Examiner Torres who is in charge of the above-identified patent application. Applicant wishes to thank Examiner Torres for the opportunity to discuss the above-identified patent application during the Interview of September 23, 2003.

During the September 23, 2003 interview, the above amendments were presented and discussed, except that: (1) claims 1 and 42 have been switched to avoid any inconsistencies in the dependent claims; and (2) method claim has been changed to include driving a drive-shaft by an internal combustion engine and selectively applying a regenerative braking force on one of the first and second wheels that is linked to a non-driving shaft. It was agreed during the interview that the amendments appear to overcome the rejection of the claims. However, Examiner Torres indicated that a more detailed review of the amendments and an additional search would be necessary to determine if the claims are allowable.

Election of Species

In numbered paragraph 1 of the Office Action, Applicant's election without traverse was acknowledged. Thus, non-elected claims 3-5, 8, 9 and 14-21 were withdrawn from further consideration. However, Applicant respectfully requests that non-elected claims 3-5, 8, 9 and 14-21 be rejoined in this application upon allowance of a generic or linking claim, or claims. Specifically, non-elected claims 3-5, 8, 9 and 14-21 depend from claim 1, which Applicant believes is generic and allowable.

Regarding new claims 24-42, Applicant believes that all of these claims read on the elected species. Thus, examination is respectfully requested for these claims 24-42.

Rejections - 35 U.S.C. § 102

In numbered paragraphs 2 and 3 of the Office Action, claims 1, 2, 6, 7, 10-13, 22 and 23 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,707,115 (the Bodie et al. patent). In response, Applicant has amended independent claims 1, 22 and 23 to clearly define the present invention over the prior art of record. However, Applicant respectfully traverses the rejection as it applies to original claims 2, 6, 7, 10 and 13, which have been placed in independent form. Thus, Applicant respectfully submits that original claims 2, 6, 7, 10 and 13 were not anticipated by the Bodie et al. patent, and the rejection should be withdrawn.

In particular, independent claims 1 and 23 have been amended to recite a braking apparatus or method that includes

an *internal combustion engine* configured and arranged to drive
one of the first and second wheels that is *linked to a driving shaft*; and
a first regenerative braking device configured and arranged to apply
a first *regenerative braking force* on one of the first and second
wheels that is linked to a *non-driving shaft*.

Clearly, this structure is **not** disclosed or suggested by the Bodie et al. patent or any other prior art of record. The vehicle braking apparatus of the Bodie et al. patent has an electric motor with the regenerative braking device coupled to the driving shaft. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1 and 23, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claims 1 and 23 and their dependent claims.

Regarding **original** claim 2, now independent, a vehicle braking apparatus is recited that includes

an electric braking device configured and arranged to apply a first electric braking force on at least one **second wheel** subject to a second braking system that is different from the first braking system; and
a **regenerative braking device**-configured and arranged to apply the first regenerative braking force on the **second wheel** subject to the second braking system.

Clearly, this structure is **not** disclosed or suggested by the Bodie et al. patent or any other prior art of record. The vehicle braking apparatus of the Bodie et al. patent has an electric brakes on the rear wheel and the regenerative braking on the front wheel. Thus, the limitations of **original** claim 2 are **not** disclosed or suggested by the Bodie et al. patent. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 2 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 2 and its dependent claims.

Regarding **original** claim 6, now independent, a vehicle braking apparatus is recited that includes a regenerative power supply pathway configured and arranged to **directly** supply power regenerated by the regenerative braking apparatus to the electric braking apparatus. The Bodie et al. patent discloses the regenerative power supply pathway supply power to the battery, **not directly** to the electric brakes as claimed. Thus, this limitation of **original** claim 6 is **not** disclosed or suggested by the Bodie et al. patent. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 6 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 6 and its dependent claims.

Regarding **original** claim 7, now independent, a vehicle braking apparatus is recited that includes an electric braking apparatus-with a parking brake device that is configured and arranged to maintain a parking braking force. The Bodie et al. patent discloses a parking braking switch, but is silent on the construction of the parking braking. Clearly, this structure is **not** disclosed or suggested by the Bodie et al. patent. Thus, this limitation of **original** claim 7 is **not** disclosed or suggested by the Bodie et al. patent. Again, it is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claim 7 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 7 and its dependent claims.

Regarding **original** claim 10, now independent, a vehicle braking apparatus is recited that includes a **regenerative braking device** configured and arranged to apply a first regenerative braking force on a **wheel that is linked to a non-driving shaft**. The Bodie et al. patent discloses regenerative braking on the front **drive** wheel. Thus, this limitation of

original claim 10 is *not* disclosed or suggested by the Bodie et al. patent. A reference must disclose each and every element of the claim within the reference in order to anticipate a claim. Therefore, Applicant respectfully submits that claim 10 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 10 and its dependent claims.

Regarding *original* claim 13, now independent, a vehicle braking apparatus is recited that includes a *regenerative braking device* configured and arranged to apply a first regenerative braking force on *both of the rear wheels*. The Bodie et al. patent discloses regenerative braking on the *front* drive wheels. Thus, this limitation of *original* claim 13 is *not* disclosed or suggested by the Bodie et al. patent. A reference must disclose each and every element of the claim within the reference in order to anticipate a claim. Therefore, Applicant respectfully submits that claim 13 is not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claim 13 and its dependent claims.

Regarding independent claims 22 and new independent claim 42, these claims recite a vehicle braking apparatus including

hydraulic braking device or means for applying a hydraulic braking
force on at least one *front wheel linked to a drive-shaft*;
electric braking device or means for applying an electric braking
force on a *rear wheel*; and
regenerative braking device or means for applying a regenerative
braking force on the *rear wheel*.

Clearly, this structure is *not* disclosed or suggested by the Bodie et al. patent or any other prior art of record. The vehicle braking apparatus of the Bodie et al. patent has an electric brakes on the rear wheel and the regenerative braking on the front wheel. Thus, the limitations of claims 22 and 42 are *not* disclosed or suggested by the Bodie et al. patent. It is

well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claims 22 and 42 are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested as it is applied to independent claims 22 and 42.

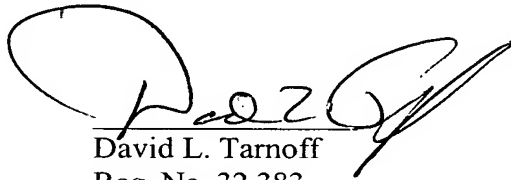
Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-42 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


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